United Nations S/2011/496

Security Council

Distr.: General
8 August 2011

Original: English

Letter dated 5 August 2011 from the Permanent Representative of India to the United Nations addressed to the Secretary-General

I have the honour to inform you that, under the presidency of India, the Security Council is scheduled to hold an open debate on the subject of United Nations peacekeeping operations on Friday, 26 August 2011. In order to help steer the discussions on the subject, India has prepared the attached concept note, entitled "Peacekeeping: taking stock and preparing for the future" (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) H. S. **Puri**
Permanent Representative

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Annex to the letter dated 5 August 2011 from the Permanent Representative of India to the United Nations addressed to the Secretary-General

Indian presidency of the Security Council August 2011

Peacekeeping: taking stock and preparing for the future A concept note

Peacekeeping, a term that does not exist in the Charter of the United Nations, has become a central enterprise of the United Nations. It consumes more resources, employs more people and occupies a greater share of the Security Council's time than any single other issue. No other Council instrument has had a greater impact on the provenance and application of international law and international humanitarian law as its peacekeeping mandates. Peacekeeping represents, better than any other collective endeavour, the concept of Member States cooperating in the maintenance of international peace and security.

In the last two decades, peacekeeping budgets have increased approximately 27 times; the number of peacekeepers has grown about tenfold and the number of peacekeeping operations is at an all-time high. Despite serious shortcomings and abundant imperfections, it is evident that peacekeeping and peacekeepers have delivered results. The adoption of the mantle of peacekeeping by other international and regional security organizations, to describe out-of-area deployments, is another indicator of its success.

There have been several generations of peacekeeping operations. In the first five decades of their existence, United Nations peacekeeping missions were largely truce supervision operations or involved the interposition of military peacekeepers between combatants. Thereafter, peacekeeping missions changed dramatically in size, scope and nature. They were often deployed in the context of conflict within States (as opposed to conflict between States). Mandates expanded to include enforcement of certain norms and the assumption of certain functions usually undertaken by State authorities (e.g. elections, administration of justice, law enforcement). The Council also began to generate mandates that invoked Chapter VI and Chapter VII of the Charter jointly. This meant that the number of situations where force could be used, or was required to be used, by peacekeepers grew significantly. In the process, these complex or multidimensional peacekeeping operations, launched over the last two decades, proceeded to acquire an added dimension of peacebuilding. A still newer generation of missions that have exclusive peacebuilding mandates has also appeared. It is now recognized that peacekeepers have been and are "early peacebuilders".

Peacekeeping operations have thus moved into newer territory. The change in the nature and scope of their mandates has involved important questions of international law in general, and issues of State sovereignty, international humanitarian law and international human rights law in particular. The extent to which peacekeeping missions can be used as instruments of innovation in the application of international law and norms is an area where a greater degree of common understanding is required among Member States. The relationship of these

innovations to the guiding principles of peacekeeping, including consent of the parties, non-use of force except in self-defence or defence of the mandate and impartiality, will require clarification for United Nations peacekeeping to retain its credibility and universal acceptability. Peacekeepers are often asked to make life-and-death decisions in situations of legal ambiguity. They are also frequently asked to make tough moral choices. Effective peacekeeping requires that the men and women operate in an environment of legal certitude.

The issue of consent, which has implications for the concept of State sovereignty that is the basis of the Charter, needs particular attention.

The central challenge that peacekeeping missions now face is the resource gap. The current annual outlay for peacekeeping is under $8 billion. For purposes of comparison, it is interesting to note that while the number of United Nations peacekeepers is roughly the same as the number of soldiers in the International Security Assistance Force (ISAF) deployed in Afghanistan, the total expenditure for United Nations peacekeeping in the last two decades (under $50 billion) is reportedly less than the annual expenditure on ISAF.

There is a severe mismatch between the resources and the mandates of peacekeeping operations. The United Nations deployed just under 20,000 peacekeepers in the Congo in 1961 under the United Nations Operation in the Congo (ONUC). Its mandate on the United Nations website is detailed in less than 300 words. About four decades later, the United Nations again deployed about 20,000 peacekeepers in the same country under the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). The United Nations website takes about 3,000 words to describe their mandate.

The paucity of resources is made evident in a number of ways. The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), for example, operates in an area that is almost continental in scale, but has to make do with a ratio of one peacekeeper for several hundred square kilometres in its area of responsibility. Enablers that would allow them to leverage their resources are not present in adequate quantity.

This is an unsatisfactory situation and a serious discussion is required on the issue of resources. The inability of the Council to address this will lead to a performance deficit on the part of United Nations peacekeeping missions, which in turn could erode the legitimacy of this Council.

Peacekeeping is partnership. It is a partnership between the Security Council, which represents the will of the international community, the General Assembly, which approves the budgets and the host country, which consents to a peacekeeping operation. Troop- and police-contributing countries are an integral part of this partnership and facilitate this cooperation. Their peacekeepers represent the Council on the ground and convert its word into deed. Troop- and police-contributing countries, in effect, are the vital intermediaries in this process.

The requirement that the Security Council consult them is based not only in the explicit provisions of Article 44 of the Charter but is also in the interest of efficient and effective functioning. The direct knowledge that troop- and police-contributing countries obtain of ground realities and their considerable experience in peacekeeping needs to be factored into the decision-making process of the Security Council. It is also evident that the Council requires greater access to information in

its vastly increased scope of functioning. Troop- and police-contributing countries, many of whom have not just troops but diplomatic presence, technical and economic cooperation activities and sometimes a civil society or commercial presence in the field, are uniquely suited to provide credible and relevant information.

There has been progress in improving the consultations process but there is scope for forward movement in order to fully exploit the potential of this relationship. Consultative meetings should be structured and predictable, in terms of timing and agenda. This will enable troop- and police-contributing countries to optimize their substantive contributions.

One of the reasons for which mandates are not aligned with resources is owing to insufficient consultations with troop- and police-contributing countries during the mandate generation process. The Brahimi report had recommended a two-stage mandate generation process wherein the Security Council can leave a resolution in draft form until such time as the Secretariat is able to confirm or deny that the required troops and critical support elements are available from contributing Member States. This has not so far been implemented, and it might be an opportune time to do so.

As global power, resources and capabilities are becoming more dispersed, the need to consult, and benefits arising therefrom, will increase.

Partnership has also meant innovations, such as the joint deployment of United Nations peacekeepers with regional and security organizations. About three-quarters of United Nations peacekeeping personnel and budgets are deployed in the African continent. The strengthening of African Union capacities in peacekeeping is a key requirement in improving security conditions in troubled parts of Africa.

Partnership does not mean ceding ground. The number of actors in conflict situations is increasing and the international community needs to develop synergies between these actors while guarding against duplication and waste. Peacekeeping is a core competence of the United Nations. Crises will occur again and the unique legitimacy and credibility of United Nations peacekeeping means that there is likely to be a continued demand for the capacities of the Department of Peacekeeping Operations and troop- and police-contributing countries. This expertise needs to be protected.

Policing and rule of law capabilities are required to consolidate the peacekeeping capabilities of the United Nations. Member States need to deliberate on the types of capacities that are required, the mix of capacities and their sourcing. This exercise needs to be undertaken in accordance with the needs of national authorities and relevance to conditions of the host countries. A capability-driven approach to peacekeeping that is demand-driven and responsive to national priorities needs to be fostered.